

In re) Fair Hearing No. 17,669
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Appeal of)

The petitioner appeals the decisions by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating his eligibility for Food Stamps and VHAP. The issue is whether the petitioner's status as a college student renders him ineligible under the pertinent program regulations.

1. The petitioner, who is thirty-three years old and single, was receiving Food Stamps and VHAP as of January 2002. On January 22, 2002 he underwent a routine review of his eligibility under both programs. At that time the petitioner reported that he had begun taking two classes for a total of six credits at a community college. In decisions dated February 5 (VHAP) and February 12, 2002 (Food Stamps) the Department terminated the petitioner's eligibility under both programs effective February 28, 2002.

2. The petitioner admits that his college considers twelve credits to be full time and that his taking six credits makes him a half-time student. Although he was given an extension of time (see infra) he was unable to obtain a statement from the college that it considers him to be less than a half-time student under its guidelines.

ORDER

The Department's decision is affirmed.

REASONS

The regulations under Food Stamps and VHAP regarding student status are reproduced as follows.

At the initial hearing in this matter, held on April 18, 2002, the hearing officer and the Department carefully reviewed both of the above regulations with the petitioner. The petitioner conceded that he met none of the exceptions to student status. As noted above, the petitioner was given additional time to submit evidence that his college considered him to be enrolled in less than half time status. At a continued hearing, held on May 16, 2002, the petitioner conceded that his college considers his status of taking six credits to be half time.

The above regulations are clear that unless an individual is less than a half-time student he does not qualify for benefits under either program unless certain exemptions are met. Inasmuch as the petitioner concedes that he does not meet any of these exemptions the Department's decisions in this matter must be affirmed.

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